

The Wajir County Administration Bill, 2020

THE WAJIR COUNTY ADMINISTRATION BILL, 2020

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THE WAJIR COUNTY ADMINISTRATION BILL, 2018

Date of commencement: Thirty days after publication

A Bill for

AN ACT of the County Assembly of Wajir to give effect to Part VI of the County Governments Act, 2012; to decentralize functions and provisions of services of the Wajir County Government in Wajir County; and for connected purposes.

ENACTED by the County Assembly of Wajir as follows-

Short Title. 1. This Act may be cited as the Wajir County Administration Act, 2018.

PART I- PRELIMINARY

Interpretation. 2. In this Act-

“**Board**” means the Wajir County Public Service Board;

“**County**” means the County of Wajir;

“**County Assembly**” means the County Assembly of Wajir;

“**County Government**” means the County Government of Wajir established pursuant to Article 176 of the Constitutions of Kenya 2010;

“**County Public Service Board**” means the Board established under section 57 of the County Governments Act, 2012;

“**Sub-County administrator**” means the person responsible for the coordination and administration of county affairs in a sub-county within the County;

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

“**village administrator**” means the person responsible for the overall co-ordination and management of the county affairs in a village in the county appointed by the County Public Service Board;

“**village council**” means the council established under section 53(1) of the County Governments Act, 2012;

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“**Ward**” means an electoral area within the county delimited in accordance with Article 89 of the Constitution and section 26 of the County Government Act, 2012; and

“**ward administrator**” means the person responsible for the overall coordination and management of the county affairs in a ward within the County appointed in accordance with the County Governments Act, 2012.

Object of the Act.

3. The object and purpose of this Act is to-
 - (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; and
 - (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.

PART —II DECENTRALIZATION AND ADMINISTRATION

Units of decentralization.

4. (1) The functions and provision of services of Wajir County Government shall be decentralized to—
 - 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;

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c) the wards within the County as demarcated by the Independent Electoral and Boundaries Commission pursuant to Article 89 (3) of the Constitution; and

d) village units, with each ward being divided into two village units in accordance with Section 48 (3) of the County Governments Act.

Sub-County Administrators.

5. Each sub-county shall be headed by the sub-county administrator established under section 50 of the County Governments Act, 2012 and shall be appointed by the Board through an open and competitive process.

Eligibility for appointment as a sub-county administrator.

6. Any person shall be eligible for appointment as a ward administrator if such person —

a) holds a degree in public administration, social sciences or a related field from a recognized institution of higher learning;

b) has at least five years working experience in the relevant field;

c) is knowledgeable in administration or management; and

d) meets the requirements of Chapter Six of the Constitution.

Functions of the sub-county administrator.

7. (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;

b) perform such other functions as may be assigned by the Governor; and

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- c) submit quarterly reports on the activities undertaken in the sub-county and their progress to the County Public Service Board who shall compile and submit to the County Assembly.

(2) In carrying out the functions and obligations in subsection (1), the sub-county administrator shall be answerable to the county chief officer.

8. Any person appointed as a sub-county administrator shall hold office for such period and on terms and conditions as the Board may determine.

9. The sub-county administrator may be removed from office on the grounds of —

Term of office.

(a) inability to perform the functions of the office arising from mental or physical incapacity;

Removal from Office of the sub-county administrator.

(b) incompetence;

(c) gross misconduct or misbehavior; and

(d) being convicted of an offence and sentenced to serve a term exceeding a period of six months.

10. Upon the office of the sub-county administrator becoming vacant due to resignation, expiry of the period of service, death or removal under Section 9 the Board shall within sixty days appoint another person through an open and competitive process.

Vacancy in the Office of the sub-county administrator.

11. Each ward shall be headed by the ward administrator established under Section 51 of the County Governments Act, 2012 who shall be appointed by the Board through an open and competitive process.

Ward administrators.

12. Any person shall be eligible for appointment as a ward administrator if

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such person—

Eligibility for appointment as a ward administrator.

- a) holds a degree in public administration, social sciences or a related field from a recognized institution of higher learning;
- b) has at least three years working experience in the relevant field;
- c) is knowledgeable in administration or management; and
- d) meets the requirements of Chapter Six of the Constitution

13. (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;
- b) perform such other functions as may be assigned by the Governor; and
- c) submit quarterly reports on the activities undertaken in the ward and their progress to the County Public Service Board who shall compile and submit to the County Assembly.

(2) In carrying out the functions and obligations in subsection (1), the ward administrator shall be answerable to the sub-county administrator of the sub-county within which the ward is located.

14. Any person appointed as a ward administrator shall be eligible for appointment as a ward administrator if such person

15. A ward administrator may be removed from office on the grounds of —

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Term of Office of the ward administrator.

(a) inability to perform the functions of the office arising from mental or physical incapacity;

(b) incompetence;

Removal from Office of the Ward Administrator.

(c) gross misconduct or misbehavior; and

(d) being convicted of an offence and sentenced to serve a term exceeding a period of six months

16. Upon the office of the award administrator becoming vacant due to resignation, expiry of the period of service, death or removal under Section 15 the Board shall within sixty days appoint another person through an open and competitive process.

Vacancy in the Office of the ward administrator.

17. 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.

18. Any person shall be eligible for appointment as a village administrator if such person—

Eligibility for appointment as a village administrator.

a. holds a diploma in public administration, social sciences or a related field from a recognized institution;

b. has at least three years working experience in the relevant field;

c. is knowledgeable in administration or management; and

d. meets the requirements of Chapter Six of the Constitution

19. (1) The village administrator shall—

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Functions of the village administrator.

- (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) Submit quarterly reports on the activities undertaken in the village and their progress to the County Public Service Board who shall compile and submit to the County Assembly.

(2) In carrying out the functions the village administrator shall be answerable to the ward administrator of the ward.

20. Any person appointed as a village administrator shall hold office for such period and on terms and conditions as the Board may determine.

21. A village administrator may be removed from office on the grounds of

—

Term of office of the village administrator.

(a) inability to perform the functions of the office arising from mental or physical incapacity;

(b) incompetence;

Removal from office of the village administrator.

(c) gross misconduct or misbehavior; and

(d) being convicted of an offence and sentenced to serve a term exceeding a period of six months

22. Upon the office of a village administrator becoming vacant due to resignation, expiry of the period of service, death or removal under Section 21 the Board shall within sixty days appoint another person through an open and competitive process.

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Vacancy in the office of the village administrator

23. (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.

Establishment of village councils

(2) A person shall be eligible for appointment as a village elder if such a person —

(a) Is a Kenyan citizen and has attained the age of eighteen years;

(b) has been a resident of or has been the owner of property in the village for a continuous period of not less than five years prior to the appointment date;

(c) has post-secondary qualification;

(d) meets the requirements of Chapter Six of the Constitution; and

(e) is not disqualified for appointment to office by this Act or any other law

24. 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 councils.

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(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.

25. There is hereby 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

**Establishment
of the Ward
development
council.**

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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-

- 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.

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- (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.
26. 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.
27. Any acts performed prior to commencement of this Act shall be deemed to have been done under this Act.

Regulations

Transition

MEMORANDUM OF OBJECTS AND REASONS.

The principal object of this Act is to give effect to Part VI of the County Governments Act, 2012. It provides for decentralization of functions and provisions of services in Wajir County.

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The Bill establishes decentralized units in Wajir County to ensure that all residents of Wajir County take part in the governance and deliberation of issues such as projects and other development agendas undertaken by the County Government.

The Bill will occasion expenditure of public funds through the administration of all the decentralized units established. The estimate of the funds to be spent is yet to be ascertained.

The Bill does not limit any fundamental rights and freedoms.

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated.....

**Mohamud Adan
CHAIRPERSON LABOUR COMMITTEE.**