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KAKAMEGA COUNTY BILLS, 2018

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THE KAKAMEGA COUNTY COMMUNITY SERVICE CO-ORDINATION BILL, 2018

A Bill for,

AN ACT of the County Assembly of Kakamega to provide for effective co-ordination, management and administration of devolved functions at community area level in line with the fourth schedule of the Constitution and for connected purposes

ENACTED by the County Assembly of Kakamega as follows—

PART I—PRELIMINARY

Short title

1 This Act may be cited as the Kakamega County Community Service Co-ordination Act, 2018 and shall come into force on publication

Interpretation

2 In this Act, unless the context otherwise requires—

“county government” means the County Government of Kakamega,

“executive committee member” means the Executive Committee Member responsible for Public Service and Administration,

“community area” means the lowest designated decentralised administrative unit below a village,

“community area council” means community area council established under section 16(1) of the Kakamega County Decentralised Units (amendments) Act 2016,

“community administrator” means a person appointed for any area to the office of community administrator by the County Public Service Board

Object and Purpose

3 The object and purpose of this Act is to provide for the management and co-ordination of devolved functions at the community area level by the Community Area Administrator and the Community Area Council

PART II—COMMUNITY AREA COUNCIL

Community Area Council

4 (1) The Community Area Council established under section 16(1) of the Kakamega County Decentralized Units (Amendment) Act,

2016 shall be responsible for co-ordination and implementation of the County devolved functions at the community area level

Sub-committees of the Community Area Council

5 (1) Each Community Area Council shall have the following sub-committees—

- (a) health,
- (b) water and environment,
- (c) roads and infrastructure,
- (d) education and governance, and
- (e) agriculture

(2) The Community Area Administrator shall appoint each of the respective members of the Community Area Council to be chairperson of one of the community area sub-committees

(3) In making the appointments under sub-section (2), the Community Area Administrator shall ensure that each of the members of the Community Area Council appointed as chairperson of a community area sub-committee has relevant experience

(4) The Community Area Administrator shall co-opt four other persons with relevant experience to each of the sub-committees referred to in sub-section (1)

(5) The persons referred to in sub-section (4) shall be *ex-officio* members of the Community Area Council

(6) The Community Area Administrator shall ensure that co-opted members are paid such allowances as may be determined by the executive committee

Additional functions of the Community Area Council

6 (1) In addition to the functions provided for under section 17 of the Kakamega County Decentralized Units (Amendment) Act, 2016 the Community Area Council shall be responsible for—

- (a) coming up with the community area development plan,
- (b) developing and implementing the community area action plan,
- (c) implementing of the devolved functions at the community area level,
- (d) monitoring the implementation of county policies at the community area level,

- (e) collecting and collating through public participation community needs and report through established administrative structures for implementation, and
- (f) carrying out any other function necessary for the better administration of the devolved functions at the community area level

(2) The role of the members of the community area council shall be advisory and shall not be involved in the day to day administration of the community area

Facilitation of the Community Area Council Members

7 The Community Area administrator shall ensure that the members of the Community Area Council are facilitated to perform their duties

PART III—FUNCTIONS OF COMMUNITY AREA COUNCIL SUB-COMMITTEES

Functions of sub-committee on health services

8 The community area council sub-committee on health services shall perform the following functions—

- (a) sensitising the community on sanitation including construction and use of pit latrines, control of vectors of human diseases, clearing bushes and opening up clogged trenches,
- (b) liaise with health practitioners to ensure community empowerment and participation in their own health and help provide a platform for a convergence of the health sector and other sectors,
- (c) liaise with health practitioners including community health volunteers to introduce innovative approaches in which the determinants of health are addressed through people participation at community area level in health systems as well as in variety of health actions in various sectors,
- (d) work hand in hand with the department responsible for health services to develop a framework for the implementation of the community health service strategy,
- (e) assist in sensitizing and building the capacity of households to demand services from providers and progressively realize their rights to equitable and good quality health care as provided for in the Constitution,

- (f) assist in educating community members on reproductive health and safe motherhood including the importance of pregnant women making anti natal clinics visits and hospital delivery, diseases such as HIV/AIDS ,Tuberculosis and malaria, early identification, referral and sensitization on disabilities in the community,
- (g) liaise with other health practitioners in promoting good health seeking behaviour including the sick to go to the hospital, emphasising on behavioural change through behaviour change communication, educating family members on how to take care of chronically ill members of the community and defaulter tracing for activities such as immunisation and administration of tuberculosis drugs, and community based rehabilitation,
- (h) participate in disease surveillance and make appropriate reports, and
- (i) perform any other duty delegated by the Community Area Administrator

Functions of sub-committee on Agriculture

9 The community area council sub-committee on agriculture shall perform the following functions—

- (a) monitor and report on agricultural emergencies including pests, diseases, flooding, drought, and destruction of crops by wild animals,
- (b) assist in mobilizing farmers to participate in broad based surveys, barazas, trainings and other agricultural related county programs at community area level,
- (c) assist in organizing field days and demonstration in their respective areas of jurisdiction,
- (d) assist in identifying training needs for farmers and farmer groups in liaison with county agricultural officers, including special interest groups,
- (e) liaise with agricultural officers and other stakeholders in identifying and promoting agricultural opportunities at community area level,
- (f) be part of the vetting committees to identify beneficiaries for different county programs,
- (g) participate in identification of agricultural land suitable for the production of scheduled crops, and

- (h) perform any other duty delegated by the community area administrator

Functions of Sub-committee on Education and Governance

10 The community area council sub-committee on education and governance shall perform the following functions—

- (a) co-ordinate and mobilize participation of the community in devolved programs in education, including special needs in education,
- (b) general co-ordination of activities in the county polytechnics and early childhood centers,
- (c) assist in monitoring and disseminating information on early childhood and county polytechnic programmes,
- (d) monitor and report on infrastructure development in early childhood centers and county polytechnics,
- (e) mobilize and co-ordinate the participation of the community in governance matters,
- (f) assist the community to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance,
- (g) report incidences that require action including criminal activities, emergencies, anti social behavior arising from alcohol and substance abuse and neglect of public utilities,
- (h) report on illegal gambling activities,
- (i) assist the county government in identifying groups of people to benefit from county governments projects,
- (j) co-ordinate corruption prevention programs at the community area level,
- (k) monitor and report on enforcement of county laws,
- (l) monitor and report on progress on county government programs and projects within the community area,
- (m) assist in communicating and disseminating county government policies to community area residents, and
- (n) perform any other duty delegated by the community area administrator

Functions of Sub-committee on Roads and Infrastructure

11 The community area council sub-committee on roads and infrastructure shall perform the following functions—

- (a) monitor and report on the progress of county works falling within the community area,
- (b) mobilization and involvement in public participation activities in respect of projects being undertaken at community area level, to be disability friendly infrastructure,
- (c) assist the community to develop the community roads master plan,
- (d) report on neglect and wastage of public utilities,
- (e) report on unauthorized development structures, and
- (f) perform any other duty as may be assigned by the community area administrator

Functions of sub-committee on Water and Environment

12 The community area council sub-committee on water and environment shall perform the following functions—

- (a) advise the relevant authorities on any water and sewerage leakages including illegal connections for appropriate action to be taken,
- (b) inform the relevant department of air pollution, noise pollution and other nuisances dangerous to health,
- (c) take measures to prohibit bathing in, and prohibiting or regulating the washing of clothes or other articles or of animals in, or in any place draining into a domestic water supply,
- (d) report any unauthorized open burning of sugar cane, tyres, or any material on any land or premises,
- (e) sensitize the community on management and disposal of solid waste,
- (f) report to the relevant authority any factory or trade premises that does not comply with the legal requirements,
- (g) sensitize the public on afforestation, re-afforestation, deforestation and related programs, legal requirements and charcoal burning and movements,
- (h) monitor and report artisanal mining and sand harvesting activities,

- (i) sensitize the community on causes of land degradation and rehabilitation measures,
- (j) sensitization on conservation of water catchment and riparian areas, and
- (k) perform any other duty delegated by the community area administrator

Other devolved functions

13 The Community Area Administrator may assign other devolved functions not specified under this part to the sub-committees of a community area council as he or she may deem appropriate

PART IV—MISCELLANEOUS PROVISIONS

Protection from personal liability

14 Nothing done by members of the community area council under this Act shall, if done in good faith for the purpose of executing their duties, render such member personally liable for any action, claim or demand

General power to discharge duty

15 Subject to this Act or any other written law, any member of community area council performing advisory duties under this Act shall have the general power necessary for the proper performance of his or her duties

Reports

16 The Community Area Administrator shall not later than one month after the end of each financial year, submit to the Executive Committee Member an annual report on the—

- (a) activities of the community area council during the financial year,
- (b) status of projects implemented in the community area, and
- (c) any other matter on which the Executive Committee Member may require a report

Training

17 The department responsible for public administration may conduct appropriate training for members of community area councils on need basis

Collaboration

18 Nothing contained in this Act prohibits members of a community area council from collaborating or co-operating with other community area councils within the county on matters relating to their functions

Removal of co-opted member

19 The Community Area Administrator may remove any co-opted member of the Community Area Council for a valid reason with the concurrence of the respective Ward Administrator

Powers of arrest

20 Nothing contained in this Act gives any member of the community area council powers of arrest or detention of any person

Regulations

21 The Executive Committee Member may make regulations for the better carrying out of the purposes of this Act

MEMORANDUM OF OBJECT AND REASONS

The Bill is intended to provide for effective coordination, management, and administration of developed function at community area level by members of the community area council in line with the fourth schedule of the constitution

The Bill is divided into four parts as follows—

Part I provides for preliminaries including short title, interpretation and object and purpose of the Bill

Part II provides for the functionalities of the community area council together with additional functions of the council

Part III provides for the five coordination committees in Health, Agriculture, Education, Governance and Roads and infrastructure

Part VI carter for the miscellaneous provisions

The Bill shall occasion additional expenses which have been provided for in the budget estimates

Dated the 29th of June, 2018

BONIFACE OSANGA,
Chairperson, Public Service and Administration Committee